

REMARKS

Applicant respectfully requests the Examiner to reconsider and again examine the claims as amended.

Claims 1-4, 6, 8-12, 15-17, and 20 are pending in the application. Claims 1-4, 6, 8-12, 15-17, and 20 are rejected. Claims 1, 3, 4, 6, 9, 12, 15, 16, 20 are amended herein. Claim 2 is canceled herein.

Applicant's attorney would like to thank Examiner Avellino for the courtesy extended to Applicant's attorney during the telephone interview held on August 25, 2006. Rejections of independent Claims 1 and 15 listed in the Office action dated April 18, 2006 were discussed. The claimed invention was discussed in view a reference by Huang et al. (U.S. Patent number 6,571,245) used by the Examiner in rejections of the claims. Applicant's attorney pointed out the secure data sharing features of the invention, wherein each sharing partner is the only sharing partner to have access to data residing therein. Claim amendments to independent Claims 1 and 15 were discussed, namely, incorporation of language from Claim 2. Applicants submit that Claims 1 and 15 are patentably distinct over the cited reference, without the amendments discussed. However, in order to move the case forward, such amendments to Claims 1 and 15 are made herein, to incorporate language similar to Claim 2. Claim 2 is canceled herein accordingly.

Applicant's attorney also discussed with the Examiner the timing of data updates presented in Claims 9, 12, and 20. Amendments to Claim 9, 12, and 20 were discussed to incorporate the word "concurrently" and such amendments to Claims 9, 12, and 20 are made herein.

The Rejections under 35 U.S.C. §103(a)In View of Huang et al. et al.

The Examiner rejects Claims 1-4, 6, 8-12, 15-17, and 20 under 35 U.S.C. §103(a) as being unpatentable over Huang et al. (U.S. Patent number 6,571,245). The Examiner recognizes that Huang et al. does not disclose a second computer. However, the Examiner asserts that "it has been held obvious to replicate and invention to produce the same multiple results." The Examiner concludes "...one of ordinary skill in the art would find it obvious from the disclosure of Huang to provide a second sharing partner..."

As the Examiner is aware, and as found in MPEP §2142, in order to establish a prima facie case of obviousness "...the prior art reference (or prior art references when combined) must teach or suggest all the claim limitations." Applicants respectfully submit that the Examiner has not met this burden in order to establish prima facie obviousness.

Applicants submit that Claim 1 is patentably distinct over Huang et al., since the cited reference neither describes nor suggests "... storing first private data within a first private data memory associated with a first sharing partner, wherein the first private data is accessible to only the first sharing partner; selecting a portion of the first private data to provide a first private data portion ...[providing] a first private tagged data portion, wherein the first private tagged data portion is accessible to only the first sharing partner [and] pushing, upon initiation by the first sharing partner, data in accordance with the first private tagged data portion from the first sharing partner to the second sharing partner as a first replicated data portion ...storing second private data within a second private data memory associated with a second sharing partner, wherein the second private data is accessible to only the second sharing partner; selecting a portion of the second private data to provide a second private data portion.....[providing] a second private tagged data portion, wherein the second private tagged data portion is accessible to only the first sharing partner [and] pushing, upon initiation by the second sharing partner, data in accordance with the second private tagged data portion from the second sharing partner to the first sharing partner as a second replicated data portion ... , " as set forth in Claim 1.

With this arrangement, first private data, which is within the claimed first sharing partner, is particularly secure from tampering by other sharing partners. Similarly, second private data, which is within the claimed second sharing partner, is particularly secure from tampering by the other sharing partners.

Data within a sharing partner can only be accessed by that sharing partner. The other sharing partners do not have the ability to directly access the private data within the sharing partners. In essence, the other sharing partners have *no access privileges* to the data, which resides within the first sharing partner. The first private data stored within the first sharing partner, as claimed, is accessible only to the first sharing partner. Similarly, the second private data stored within the first sharing partner, as claimed, is accessible only to the first sharing partner. *Data in accordance with the first private data is pushed* to the *second sharing partner*, upon initiation by the first sharing partner. The data transfer does not result from a request by the second sharing partner. Similarly, the second sharing partner can *push data in accordance with the second private data to the first sharing partner*.

The Examiner uses FIG. 8 of Huang et al. and associated text in column 12 to show the claimed arrangement. In accordance FIG. 8, Huang describes a “sync folder icon 812.” (column 11, line 48. Huang et al. describes a system for which a synchronization application 840 (FIG. 8 of Huang et al.) can run in a PC, for example the PC having the Desktop 820. The synchronization application 840 can, from time to time, inspect files in a sync folder 822 on the same PC, and compare the files by date of generation with corresponding files in another sync folder 812 on a server and in yet another sync folder 832 on another PC. The synchronization application 840 can, from time to time, move files in any direction among the three sync folders 822, 812, 832 in order to bring associated files into synchronization. Therefore, the files in any one of the sync folders, for example the sync folder 822, are “accessible to” (i.e., can be read by) any of the PCs associated with the desktops 820, 830 and to the server associated with the desktop 810.

Taking the sync folder 822 as an example, either of the PCs associated with the desktops 820, 830 and also the server associated with the desktop 810 can get data from the sync folder 822, and can send data to the sync folder 822, depending upon a direction in which synchronization occurs. For example, if a file A in the sync folder 812 is newer than a corresponding file A in the sync folder 822, the file synchronization application 840 (which can reside in the PC associated with the desktop 820) can read the file A from the sync folder 812 and copy it into the sync folder 822. Similarly, if a file A in the sync folder 832 is newer than a corresponding file A in the sync folder 822, the file synchronization application 840 can read the file A from the sync folder 832 and copy it into the sync folder 822.

From the above examples, it should be apparent that the files in the sync folder 832 are not accessible only to the PC in which they reside as called for in Claim 1, but are also accessible to the synchronization application 840 residing in the other PC. Similarly, if another synchronization application resides in the PC having the PC desktop 830, the files in the sync folder 822 are not accessible to only to the PC in which they reside, but are also accessible to the other synchronization application. With the arrangement of Huang et al., the files in all of the synchronization folders 812, 822, 832 are accessible to (i.e., can be read by) both of the PCs and by the server.

In Huang et al., any synchronization application has write privileges for any file in an associated sync folder and also has read privileges for any corresponding file in another sync folder. Applicants submit that the files of Huang et al. are not nearly as secure as files of the present invention, for which files are accessible only to a computer in which they reside (i.e., they cannot be read by another computer).

With regard to the Examiner's assertion that "it has been held obvious to replicate and invention to produce the same multiple results," Applicants submit that even if the synchronization application of Huang et al. were duplicated, for example, within another one of

the PCs of FIG. 8, still the claimed arrangement would not result. Instead, each synchronization application would have the ability to read from sync folders in the other platforms, unlike the present invention in which other sharing partners have no access (i.e., no read privileges) to data in another sharing partner.

Applicants submit that amended Claim 1 is still further patentably distinct over Huang et al., since the cited reference neither describes nor suggests "... associating the first private data portion with the second sharing partner, wherein the associating the first private data portion with the second sharing partner includes: creating a first data tag including one or more of a first sharing partner tag portion associated with the first sharing partner, a selected sharing partners tag portion associated with the second sharing partner, a data identifier tag portion, or a data time identifier tag portion; and associating the data tag with the first private data portion to provide a first private tagged data portion, wherein the first private tagged data portion is accessible to only the first sharing partner; [and]...associating the second private data portion with the first sharing partner, wherein the associating the second private data portion with the first sharing partner includes: creating a second data tag including one or more of a second sharing partner tag portion associated with the second sharing partner, a selected sharing partners tag portion associated with the first sharing partner, a data identifier tag portion, or a data time identifier tag portion; and associating the data tag with the second private data portion to provide a second private tagged data portion, wherein the second private tagged data portion is accessible to only the second sharing partner;" as set forth in Claim 1.

As the Examiner is also aware, and as found in MPEP §2142, in order to establish a prima facie case of obviousness "...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Applicants respectfully submit that the Examiner has not met this burden in order to establish prima facie obviousness.

The present invention attempts to provide highly secure data sharing, in which data is accessible by only a server in which it resides, and yet servers can share data. In contrast, the synchronization application of Huang et al. solves a conventional problem of file synchronization, but without regard to enhanced data security. The synchronization application described by Huang et al. is able to read from and write to a variety of storage locations. Applicants submit that Huang et al. would not be motivated to alter his synchronization application to provide the secure data sharing of the present invention, since that is not a problem Huang et al. attempts to solve.

In view of the above, Applicants submit that Claim 1 is patentably distinct over Huang et al.

Claims 2-14 and 20 depend from and thus include the limitations of Claim 1. Thus, Applicants submit that Claims 2-14 and 20 are patentably distinct over the cited references at least for the reasons discussed above in conjunction with Claim 1.

Applicants submit that amended Claim 9 is further patentably distinct over Huang et al. et al., since the cited reference neither describes nor suggests "...automatically updating, upon initiation by the first sharing partner, at least one of the first private tagged data portion, the first private tagged copied data portion, or the first replicated data portion in accordance with the first private data portion concurrently with an alteration of the first private data portion by the first sharing partner," as set forth in Claim 9. The claimed arrangement results in the automatically updating whenever data is altered. In contrast, Huang et al. describes updating files in conjunction with FIG. 8, which occurs on a time schedule or upon command.

For substantially the same reasons discussed above in conjunction with Claim 9, Applicants submit that amended Claim 12 is further patentably distinct over Huang et al. et al., since the cited reference neither describes nor suggests "...automatically updating, upon initiation by the first sharing partner, at least one of the first private tagged data portion and the

first replicated data portion in accordance with the first private data portion concurrently with alteration of the first private data portion by the first sharing partner,” as set forth in Claim 12.

For substantially the same reasons discussed above in conjunction with Claim 9, Applicants submit that independent Claim 20 is patentably distinct over Huang et al. et al., since the cited reference neither describes nor suggests “...including automatically updating the first private tagged data portion and the first replicated data portion in accordance with the first private data portion concurrently with alteration of the first private data portion by the first sharing partner,” as set forth in Claim 20.

For substantially the same reasons discussed above in conjunction with Claim 1, Applicants submit that independent Claim 15 is patentably distinct over Huang et al. et al., since the cited reference neither describes nor suggests “...a first sharing partner including: a first client computer; and a first sharing partner server coupled to the first client computer, wherein the first sharing partner server includes a first private data memory having a first private data portion, wherein the first private data portion is accessible to only the first sharing partner, and wherein the first private data portion is tagged with one or more of a first sharing partner tag portion associated with the first sharing partner, a selected sharing partners tag portion associated with the second sharing partner, a data identifier tag portion, or a data time identifier tag portion to provide a first private tagged data portion accessible to only the first sharing partner; and a second sharing partner including: a second client computer; and a second sharing partner server coupled to the second client computer, wherein the second sharing partner server includes a second private data memory having a second private data portion, wherein the second private data portion is accessible to only the second sharing partner, wherein the second private data portion is tagged with one or more of a second sharing partner tag portion associated with the second sharing partner, a selected sharing partners tag portion associated with the first sharing partner, a data identifier tag portion, or a data time identifier tag portion to provide a second private tagged data portion accessible to only the second sharing partner, and wherein the first sharing partner is adapted to push, upon initiation by the first sharing partner, data in

accordance with the first private tagged data portion to the second sharing partner as a first replicated data portion, wherein the first replicated data portion is accessible to the second sharing partner, and wherein the second sharing partner is adapted to push, upon initiation by the second sharing partner, data in accordance with the second private tagged data portion to the first sharing partner as a second replicated data portion, wherein the second replicated data portion is accessible to the first sharing partner,” as set forth in Claim 15.

Claims 16 and 17 depend from and thus include the limitations of Claim 15. Thus, Applicants submit that Claims 16 and 17 are patentably distinct over Huang et al. et al. at least for the reasons discussed above in conjunction with Claim 15.

In view of the above, Applicants submit that the rejection of Claims 1-4, 6, 8-12, 15-17, and 20 under 35 U.S.C. §103(a) should be removed.

Huang et al. et al. in View of Pike et al.

The Examiner rejects Claims 13, 14, 18, 19 under 35 U.S.C. §103(a) as being unpatentable over Huang et al. et al. in view of Pike et al. (Defense Data Network, Defense Secure Network; FAS Intelligence Resource Program; February 11, 2000...).

Claims 13 and 14 depend from and thus include the limitations of Claim 1. Thus, Applicants submit that Claims 13 and 14 are patentably distinct over the cited reference at least for the reasons discussed above in conjunction with Claim 1.

Claims 18 and 19 depend from and thus include the limitations of Claim 15. Thus, Applicants submit that Claims 13 and 14 are patentably distinct over the cited reference at least for the reasons discussed above in conjunction with Claim 15.

As described above, and as found in MPEP §2142, in order to establish a prima facie case of obviousness "...there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Applicants respectfully submit that the Examiner has not met this burden in order to establish prima facie obviousness.

Huang et al. describes a "virtual desktop in a computer network," (title) which is described only in terms of commercial applications. Pike et al. describes a "defense data network," and a "defense secure data network," (title) which comprise a variety of secure data sharing standards used in conjunction with the military. Generally, the secure data networks employ "physical protection at the router and KG encryption for expose circuits." (page 2) [emphasis added]

Applicants submit that Huang et al. would not be motivated to incorporate the physical protection at the router or the data encryption of Pike et al. Huang et al. provides a "virtual computing environment." (column 1, line 62), having sync folders that remain synchronized by way of a file synchronization application program in the above-described way. Huang et al. does not specifically attempt to provide secure sharing of data. Therefore, Huang et al. would not be motivated to secure data as in Pike et al., and furthermore, would, therefore, not be motivated to use his virtual desktop system to share military data that has security needs.

Further more, even if Huang et al. were combined with Pike et al., still the claimed invention would not result. Instead, the system of Huang et al., if combined with Pike et al., would provide a virtual desktop having sync folders to a plurality of users, who would share data that is encrypted. Use of the secure routers of Pike et al. would tend to prohibit the synchronization of files performed by Huang's file synchronization application program.

In view of the above, Applicants submit that the rejection of Claims 13, 14, 18, 19 under 35 U.S.C. §103(a) should be removed.

In view of the above Remarks, Applicants submit that the claims and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Response or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Respectfully submitted,

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